

*Acounsel***FILED**

NOV 25 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISIONJAMES BONINI, Clerk
DAYTON, OHIO

UNITED STATES OF AMERICA,

vs.

DOMINIC JOSEPH MAGA,

Defendant.

CASE NO. **3:08-cr-166**
THOMAS M. ROSE
INDICTMENT
26 U. S. C. § 7201
26 U. S. C. § 7203

The Grand Jury Charges:

COUNT 1
(Attempt to Evade and Defeat Tax)

That during calendar year 2003, defendant **DOMINIC JOSEPH MAGA**, a resident of Dayton, Ohio, had and received taxable income in the sum of at least \$260,078.85, that upon said taxable income there was owing to the United States of America an income tax of at least \$71,898.90; that well-knowing and believing the foregoing facts, defendant **DOMINIC JOSEPH MAGA**, on or about April 15, 2004, in the Southern District of Ohio, did willfully attempt to evade and defeat the said income tax due and owing to the United States of America for said calendar year by failing to make an income tax return or a joint individual income tax return on or before April 15, 2004, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income taxes, and by concealing and attempting to conceal his actual earned income.

In violation of 26 U. S. C. § 7201.

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE ON <u>11/25/08</u>	
BY: <u>James Bonini</u>	JAMES BONINI, CLERK
DATE: <u>11/25/08</u>	Deputy Clerk

COUNT 2
(Attempt to Evade and Defeat Tax)

That during calendar year 2004, defendant **DOMINIC JOSEPH MAGA**, a resident of Dayton, Ohio, had and received taxable income in the sum of at least \$255,369.89, that upon said taxable income there was owing to the United States of America an income tax of at least \$69,724.20; that well-knowing and believing the foregoing facts, defendant **DOMINIC JOSEPH MAGA**, on or about April 15, 2005, in the Southern District of Ohio, did willfully attempt to evade and defeat the said income tax due and owing to the United States of America for said calendar year by failing to make an income tax return or a joint individual income tax return on or before April 15, 2005, as required by law, to any proper officer of the Internal Revenue Service, by failing to pay to the Internal Revenue Service said income taxes, and by concealing and attempting to conceal his actual earned income.

In violation of 26 U. S. C. § 7201.

COUNT 3
(Attempt to Evade and Defeat Tax)

That during calendar year 2005, defendant **DOMINIC JOSEPH MAGA**, a resident of Dayton, Ohio, had and received taxable income in the sum of at least \$240,287.91, that upon said taxable income there was owing to the United States of America an income tax of at least \$70,412.95; that well-knowing and believing the foregoing facts, defendant **DOMINIC JOSEPH MAGA**, on or about April 17, 2006, in the Southern District of Ohio, did willfully attempt to evade and defeat the said income tax due and owing to the United States of America for said calendar year by failing to make an income tax return or a joint individual income tax

return on or before April 17, 2006, as required by law, to any proper officer of the Internal Revenue Service, by failing to pay to the Internal Revenue Service said income taxes, and by concealing and attempting to conceal his actual earned income.

In violation of 26 U. S. C. § 7201.

COUNT 4
(Attempt to Evade and Defeat Tax)

That during calendar year 2006, defendant **DOMINIC JOSEPH MAGA**, a resident of Dayton, Ohio, had and received taxable income in the sum of at least \$220,996.40, that upon said taxable income there was owing to the United States of America an income tax of at least \$69,976.49; that well-knowing and believing the foregoing facts, defendant **DOMINIC JOSEPH MAGA**, on or about April 16, 2007, in the Southern District of Ohio, did willfully attempt to evade and defeat the said income tax due and owing to the United States of America for said calendar year by failing to make an income tax return or a joint individual income tax return on or before April 16, 2007, as required by law, to any proper officer of the Internal Revenue Service, by failing to pay to the Internal Revenue Service said income taxes, and by concealing and attempting to conceal his actual earned income.

In violation of 26 U. S. C. § 7201.

COUNT 5**(Willful Failure to File Income Tax Return-Misdemeanor)**

That during the calendar year 2002, defendant **DOMINIC JOSEPH MAGA**, who was a resident of Dayton, Ohio, had and received gross income in excess of \$100,000.00; that by reason of such income he was required by law, following the close of calendar year 2002, and on or before April 15, 2003, to make an income tax return to the District Director of the Internal Revenue Service for the Internal Revenue District of Cincinnati, at Cincinnati, in the Southern District of Ohio, or to the Director, Internal Revenue Service Center, at Covington, Kentucky, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of 26 U. S. C. §7203.

COUNT 6**(Willful Failure to File Income Tax Return-Misdemeanor)**

That during the calendar year 2003, defendant **DOMINIC JOSEPH MAGA**, who was a resident of Dayton, Ohio, had and received gross income in excess of \$100,000.00; that by reason of such income he was required by law, following the close of calendar year 2003, and on or before April 15, 2004, to make an income tax return to the District Director of the Internal Revenue Service for the Internal Revenue District of Cincinnati, at Cincinnati, in the Southern District of Ohio, or to the Director, Internal Revenue Service Center, at Covington, Kentucky, or other proper officer of the United States, stating specifically the items of his gross income and

any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of 26 U. S. C. §7203.

COUNT 7

(Willful Failure to File Income Tax Return-Misdemeanor)

That during the calendar year 2004, defendant **DOMINIC JOSEPH MAGA**, who was a resident of Dayton, Ohio, had and received gross income in excess of \$100,000.00; that by reason of such income he was required by law, following the close of calendar year 2004, and on or before April 15, 2005, to make an income tax return to the District Director of the Internal Revenue Service for the Internal Revenue District of Cincinnati, at Cincinnati, in the Southern District of Ohio, or to the Director, Internal Revenue Service Center, at Covington, Kentucky, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of 26 U. S. C. §7203.

COUNT 8
(Willful Failure to File Income Tax Return-Misdemeanor)

That during the calendar year 2005, defendant **DOMINIC JOSEPH MAGA**, who was a resident of Dayton, Ohio, had and received gross income in excess of \$100,000.00; that by reason of such income he was required by law, following the close of calendar year 2005, and on or before April 17, 2006, to make an income tax return to the District Director of the Internal Revenue Service for the Internal Revenue District of Cincinnati, at Cincinnati, in the Southern District of Ohio, or to the Director, Internal Revenue Service Center, at Covington, Kentucky, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of 26 U. S. C. §7203.

COUNT 9
(Willful Failure to File Income Tax Return-Misdemeanor)

That during the calendar year 2006, defendant **DOMINIC JOSEPH MAGA**, who was a resident of Dayton, Ohio, had and received gross income in excess of \$100,000.00; that by reason of such income he was required by law, following the close of calendar year 2006, and on or before April 16, 2007, to make an income tax return to the District Director of the Internal Revenue Service for the Internal Revenue District of Cincinnati, at Cincinnati, in the Southern

District of Ohio, or to the Director, Internal Revenue Service Center, at Covington, Kentucky, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

In violation of 26 U. S. C. §7203.

A T R U E B I L L

/s/
F O R E P E R S O N

GREGORY G. LOCKHART
United States Attorney



VIPAL PATEL
Deputy Chief, Criminal Division